

Exhibit “AA”

Exhibit “AA”

James E. Shapiro

From: James E. Shapiro
Sent: Friday, January 20, 2023 10:27 AM
To: Sophia Long; Colleen L Platt (cplatt@plattlawgroupreno.com)
Cc: Tommy Maher
Subject: In re: Thomas W. Maher | Case No. NVMT-C-21086
Attachments: Letter to Board.2023-10-20.pdf

Please see the attached letter.

Sincerely,

James E. Shapiro, Esq.
jshapiro@SmithShapiro.com



SMITH & SHAPIRO

ATTORNEYS AT LAW

Main 3333 E. Serene Ave., Suite 130, Henderson, NV 89074

Office 702.318.5033 Fax 702.318.5034

Website smithshapiro.com

*** NOTICE ***

This message is intended only for the use of the individual or entity to which it is addressed and may contain attorney/client information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by reply email or by telephone at (702)318-5033, and immediately delete this message and all of its attachments.

January 20, 2023

Via email only to:

Sophia G. Long, Esq.
Senior Deputy Attorney General
Bureau of Governmental Affairs
555 E. Washington Ave., Suite 3900
Las Vegas, NV 89101
Email: slong@ag.nv.gov

Coleen Platt, Esq.
Platt Law Group
11025 Bondshire Drive
Reno, NV 89511
Email: cplatt@plattlawgroupreno.com

RE: In re: Thomas W. Maher
Case No. NVMT-C-21086

Dear Ms. Long & Ms. Platt:

I am writing to express my grave concerns regarding the manner in which my client's case has been handled and the manner in which the Nevada State Board of Massage Therapy (the "**Board**") is proceeding with the complaint filed by Ms. Genevieve Young against my client.

When I first contacted the Board regarding this matter, I was informed that Ms. Long would be acting as the prosecutor, and that as such, I should be communicating with her. After some initial discussions with Ms. Long, settlement terms were reached and proposed to the Board (the "**Initial Settlement**").

The Board considered the Initial Settlement on the same date (October 26, 2022) that the Board also considered a Petition for Reconsideration filed by a Mr. Frank A. Lisa. Ms. Platt was acting as counsel for the Board at the October 26th meeting and Ms. Long was acting as prosecutor against Mr. Lisa. During the same meeting where the Board voted to substantially reduce Mr. Lisa's license suspension, the Board also voted to reject the Initial Settlement brokered by Ms. Long.

Through subsequent communications we have learned that, leading up to the October 26th hearing, the Board informed Mr. Lisa that if he would testify against Mr. Maher in this matter, that the Board would reduce his license suspension. While it is unclear what relevant testimony Mr. Lisa could possibly provide, as he was not involved in any of the events or matters at issue in the complaint filed by Ms. Young against Mr. Maher, due to Board's focus on Mr. Lisa, his history must be discussed.

On August 10, 2022, at a hearing at which Mr. Lisa did not attend and was therefore not present to defend himself, and after simply accepting all of the allegations made against Mr. Lisa as true (whether or not they were in fact true), the Board voted to suspend Mr. Lisa's license, among other sanctions (the "**Lisa August 24, 2022 Order**"). [See **Exhibit "A"**] When Mr. Lisa notified the Board that he had never received notice of the August 10th hearing, the Board agreed to schedule a new hearing, treating the request as a Petition for Rehearing and scheduling the rehearing for October 26, 2022. [See **Exhibit "B"**] Both Mr. Lisa and Ms. Platt have now confirmed that, leading up to the October 26th hearing, the Board informed Mr. Lisa that if he would testify against Mr. Maher,

his then employer, that the Board would, in return, substantially reduce his license suspension. Ultimately, this is exactly what occurred, as evidenced by the Board's November 6, 2022 Order in Case No. NVMT-C-22036 and as confirmed by both Mr. Lisa and Ms. Platt. [See *Exhibit "C"*]

The fact that the Board is using leverage created through a default judgment against Mr. Lisa to strong arm him into agreeing to testify against his then employer in exchange for reducing his suspension is troubling and raises serious questions as to the veracity of any of Mr. Lisa's potential testimony. Additionally, it appears that the Board attempted to hide this critical piece of information. Specifically, when Ms. Long notified me that the Board had not accepted the Initial Settlement, I was informed that the Board would be sending "a formal letter regarding the decision of the Board shortly." [See *Exhibit "D"*] While that letter has never been provided, I did initiate communications with Ms. Anderson and Ms. Long specifically asking for information relating to any agreements reached with Mr. Lisa. [See *Exhibit "E"*] Notwithstanding my repeated requests for information relating to agreements reached with Mr. Lisa, Ms. Long represented¹ that his suspension was reduced solely because the Board wanted to allow him to work. [*Id.*]

On January 3, 2023, I emailed Ms. Long asking, pursuant to NRS 622A.330, for a copy of all documents and other evidence intended to be presented by the prosecutor in this matter, a list of witnesses which the Board/Prosecutor may call as witnesses to testify at the hearing, the ability to take the deposition of the complainant, Ms. Young, as well as a continuance of the hearing to allow us more time to prepare. [See *Exhibit "F"*] In Ms. Long's response, she informed me that another attorney may be taking over Mr. Maher's matter. The next day, on January 4, 2023, I received an email from Ms. Platt, indicating that she was taking over the case from Ms. Long and would be acting as the prosecutor (instead of her normal role as counsel for the Board). [See *Exhibit "G"*] Unfortunately, after her initial response on January 4, 2023, and notwithstanding multiple telephone calls and emails, the next time I heard from Ms. Platt was at 4:18pm on January 17, 2023, the day before the January 18th hearing. [See *Exhibit "G"*] Further, during my January 17, 2023, telephone conversation with Ms. Platt, Ms. Platt voluntarily mentioned the Board's prior agreement with Mr. Lisa, wherein the Board strong armed Mr. Lisa into agreeing to testify against Mr. Maher in exchange for a reduction of his suspension, thereby confirming that such an agreement did in fact exist. [See *Exhibit "H"*]

Under Nevada law, the Board is obligated to ensure that my client receives a fair and impartial hearing. Nassiri v. Chiropractic Physicians' Bd. of Nev., 327 P.3d 487, 490, 130 Nev. Adv. Op. 27 (Nev. 2014). In fact, the Nevada Supreme Court has held that my client has a "guarantee of fairness" that must be upheld. Monroe v. Mine, 495 P.3d 530 (Table) (Nev. App. 2021) citing to Dutchess Bus. Serv., Inc., 124 Nev. at 714. It is for this reason that "the fact-finder is charged with making a decision based only on evidence of a type and amount that will ensure a fair and impartial hearing." Nassiri, 327

¹ In her December 16, 2022, email, Ms. Long specifically discussed the communications between her and Mr. Lisa, leading up to the reduction in his suspension, but omitted any reference to the understanding reached that the reduction in the suspension was based upon Mr. Lisa's agreement to testify against Mr. Maher, as has since been confirmed by both Mr. Lisa and Ms. Platt. [See *Exhibit "E"*]

P.3d at 490. As is set forth next, the events leading up to this letter cast serious doubts as to the impartiality of the Board and of the overall fairness of the process.

The first and most glaring problem is that the Board has clearly already made up its mind (prior to any hearing) that Mr. Lisa's testimony is not only relevant, but critical, neither of which are founded in fact or law. Not only has the Board identified Mr. Lisa as one of only three witnesses [see *Exhibit "I"*], but the Board is apparently considering and relying upon Mr. Lisa and the Board's prior actions relating to Mr. Lisa, in determining how to proceed with Mr. Maher. [See *Exhibit "H"*] Mr. Lisa not only had absolutely nothing to do with the events at issue in the complaint against Mr. Maher, but Mr. Lisa has absolutely no percipient knowledge regarding any of the relevant facts, as he was not involved in any way with the treatment of Ms. Young. Even worse, the Board has strongarmed and manipulated Mr. Lisa into providing the testimony that the Board wants through threats (i.e., we will not reconsider the default judgment previously entered if you do not agree to cooperate) and/or bribes (i.e., if you agree to testify against Mr. Maher, we will reduce your sentence). Given the Board's mandate to only rely upon evidence of a type and amount that will ensure a fair and impartial hearing, the means and methods by which Mr. Lisa's alleged testimony has been obtained unquestionably demonstrates that it is anything but fair or impartial. However, because Mr. Lisa had absolutely nothing to do with the events or facts at issue in the complaint against Mr. Maher, his testimony is doubly dubious.

The next problem is that the Board is allowing the fox in the henhouse, all while proclaiming the hens safe and secure. Specifically, it is clear that the Board interchangeably uses Ms. Long and Ms. Platt as counsel for the Board, as well as its prosecutor. For example, Ms. Platt typically acts as counsel for the Board, and in fact, has acted as counsel for the Board in relation to this matter [See Exhibits "F" & "G"], yet Ms. Platt has also acted as the prosecutor against Mr. Maher. [*Id.*] The obvious problem is that it is impossible for one attorney to properly and fully represent the interests of the Board (who is supposed to be fair and impartial), while at the same time fulfilling their duties as a prosecutor (whose responsibility is to seek to prove violations and impose sanctions). Yet that is exactly what has occurred and continues to occur in this case. The fact that the same attorneys are acting interchangeably as counsel for the Board, as well as the prosecutor, demonstrates that the process does not meet the guarantees of fairness imposed by Nevada law. It likewise demonstrates that the Board is not acting as an impartial fact-finder, but is actively seeking sanctions against Mr. Maher, a role outside of, and in fact in contradiction with, their mandate under Nevada law.

Finally, the Board has failed to comply with its own requirements, as well as the requirements imposed by Nevada law. For example, notwithstanding Ms. Long's October 26, 2022 correspondence [Exhibit "D"], we have never received a "formal letter regarding the decision of the Board" to reject the Initial Settlement, as was promised almost three months ago. Likewise, notwithstanding my repeated requests, first made over two weeks ago and repeated multiple times since then, we still have not received the documents and evidence required to be provided under NRS 622A.330. Basic notions of due process and principles of fairness demand that Mr. Maher be given the opportunity to obtain and review the evidence against him, yet up to this point, that basic right has been denied him.

As the communications from the Boards' attorney demonstrates, it seems clear that the Board has already made up their mind. As evidenced in the attached Exhibits, the Board has already decided (without giving Mr. Maher any of the evidence against him in violation of NRS 622A.330, and without giving Mr. Maher an opportunity to defend himself) that Mr. Lisa's testimony is not only somehow relevant (notwithstanding the fact that he has no personal knowledge of any of the events or facts at issue in the case against Mr. Maher)² but that Mr. Maher's punishment must, for some unknown reason, be similar to the original punishment meted out to Mr. Lisa as a result of default hearing at which Mr. Lisa was not present to defend himself! While Nevada laws unquestionably give the Board discretion in deciding when and how to discipline its licensees, the actions of the Board in this case go well beyond what is reasonable, rational, and/or justified, to the point that it now appears impossible for my client to obtain a fair hearing.

In light of the forgoing, I would like to know how the Board intends on fulfilling its mandate to "guarantee fairness" in its determination of the present complaint against Mr. Maher, particularly when the Board must presume Mr. Maher's innocence until proven otherwise (which goes directly against the Board's actions up to this point). Some actions which must be undertaken and/or allowed in order to ensure a fair process would be: (1) Mr. Maher should be allowed to appear at his hearing in person, and to question the witnesses against him in person³, (2) Mr. Lisa should *not* be allowed to testify, not only because he has no personal knowledge of any of the facts at issue in Ms. Young's complaint, but more importantly, because of the method and manner in which Mr. Lisa's 'cooperation' and anticipated testimony was obtained renders the veracity of his testimony suspect at best, and (3) Mr. Maher should be given the opportunity to take depositions in order to better understand the allegations against him (which he is still in the dark about as, up to this point, the Board has failed to comply with NRS 622A.330). Even without the other problems in this case, it is patently unfair to require Mr. Maher to appear at a hearing and hear, for the first time, details of the alleged factual basis against him, and then expect him to be able to refute that testimony on the fly and without any advanced notice. Yet even if the forgoing actions are all implemented, these actions do not address the other problems in this case, including the fact that the Board is using Ms. Long and

² The fact that the Board is intending to call Mr. Lisa as a witness, when he had absolutely nothing to do with the events at issue as outlined in Ms. Young's complaint, raises a different and potentially more troubling prospect; that the Board is actually seeking to punish Mr. Maher for issues and/or events outside of what is identified in Ms. Young's complaint. Basic notions of due process require the Board to give Mr. Maher proper notice of the issues which the Board is considering as part of its deliberation of Ms. Young's complaint. If the Board is considering facts or events unrelated to Ms. Young as part of the present deliberations of her complaint, the Board must provide Mr. Maher advanced notice of such unrelated facts or events in order to allow Mr. Maher to properly address and/or respond in his own defense. Yet to date, there is nothing in any of the communications from the Board which would justify calling Mr. Lisa as a witness.

³ Conducting a hearing via remote video has numerous drawbacks and limitations, including the fact that it is easier for an individual to stretch the truth while speaking to a screen from the safety of their living room, as opposed to being required to appear in person where all parties can easily view and judge the numerous non-verbal cues that help determine the veracity of a witness. While remote hearings were needed, and in fact a blessing, while the COVID-19 pandemic was raging, Governor Sisolak officially ended Nevada's State of Emergency related to the COVID-19 pandemic months ago, and as such, there is no reason why the hearing cannot be conducted in person.

Ms. Platt interchangeably as counsel for the Board and as the prosecutor, and the fact that the Board has apparently already made up their mind on the issue, all without providing the evidence to Mr. Maher as required by NRS 622A.330. Given the fact that the Board has already inappropriately determined that it can and will consider the sanctions imposed against Mr. Lisa in deciding the issues relating to Mr. Maher, simply removing Mr. Lisa as a witness and allowing depositions is insufficient. Given what has already transpired, I have serious concerns about my client's ability to receive a fair hearing in this matter and am asking that you notify me of the steps the Board intends on taking in order to ensure that the Board fulfills its mandate to uphold my client's "guarantee of fairness" and provide my client with a fair and impartial hearing.

I look forward to seeing your response. As always, I can be reached at (702)318-5033 if any of you wish to discuss this issue further.

Sincerely,

SMITH & SHAPIRO, PLLC



James E. Shapiro, Esq.

Exhibits: *(as stated)*

cc: Thomas W. Maher *(via email only)*

Exhibit “A”

Exhibit “A”

BEFORE THE NEVADA STATE BOARD OF
MASSAGE THERAPY

In the Matter of:

Case No. NVMT-C-22036

Frank Lisa,

ORDER

Licensed Massage Therapist
Nevada License No. NVMT.10366,

Respondent.

WHEREAS on Wednesday, August 10, 2022, the administrative hearing held relative to the Complaint in the above-captioned matter dated and signed July 12, 2022 having come before the Nevada State Board of Massage Therapy (Board), and the Board being fully apprised in the premises, and good cause appearing,

I.

INTRODUCTION

1.e Board members present were Elisabeth Barnard, Chair; Deirdre Strunk, Vice-Chair; Rebecca Dorangricchia, Secretary/Treasurer; Bianca Smith; Lorna Benedict; John Tengge and Stephanie Tsanas. The Las Vegas Metropolitan Police Department ("LVMPD")e Advisory Member, Sergeant Aaron Fink, was also present.e

2.e Sophia G. Long, Senior Deputy Attorney General, was present and appeared as prosecutore for the Board. Colleen Platt, Esq. from Platt Law Group, was present and appeared ase counsel for the Board.e

3.e Frank Lisa ("Respondent"), was not present.e

Exhibits

4.e Exhibits:e

a.e Complaint and Notice of Hearing (Exhibit 1).e

Witnesses

5. Tereza Van Horn

6.e Teresa Lopeze

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II.

JURISDICTION

7.a Respondent is currently and at all times mentioned herein, licensed as a massage therapist in the State of Nevada and is therefore, subject to the jurisdiction of the Board and the provisions of NRS Chapter 640C.a

III.

FINDINGS OF FACT

8.a The Board, having considered all the evidence presented, the testimony of witnesses, and the arguments of counsel, for good cause appearing, finds sufficient quantity and/or quality of evidence sufficient to meet the preponderance of the evidence standard of proof as set forth by NRS 622A.370 and by *Nassiri v. Chiropractic Physicians' Board of Nevada*, 130 Nev. Adv. Op, 27, at 8-9 (April 3, 2014).a

9. Via Complaint and Notice of Hearing dated July 12, 2022, Respondent was notified of the administrative hearing scheduled for Wednesday, August 10, 2022. (Exhibit 1)

10.a The Complaint and Notice of Hearing included a certificate of service signed by Board staff, Tereza Van Horn, that she certified mailed and regular mailed a copy of the Complaint and Notice to Respondent's address.a

11.a Ms. Van Horn testified that she served Respondent at his address on file with the Board and that a continuance has not been requested in this matter.a

12.a Following this testimony, the Board found pursuant to NRS 622A.350(1), that notice of the scheduled hearing was properly served on Respondent, and that Respondent did not request a continuance and that Respondent failed to appear at this scheduled hearing.a

13.a Pursuant to NRS 622A.350(1), the Board proceeded to consider this matter without the participation of Respondent.a

14.a Senior Deputy Attorney General, Sophia G. Long provided the following:a

a.a Pursuant to NRS 622A.350(2), the Board may accept the allegations against the licensee in the charging document as true.a

b.a The allegations in the charging document were read into the record. Specifically that "On or about June 28, 2022, while working at Lapis and Oak Spa and Sala Massage located at 615 S Green Valley Pkwy., suite 120, Henderson, Nevada

1 89052, Respondent massaged Tereza Lopez and performed adjustments to her
2 ankles. Respondent is not licensed to perform adjustments. Respondent did not
3 inform Ms. Lopez that he was going to perform adjustments, nor did he receive
4 consent to do so."

5 15. Teresa Lopez testified to the following:

- 6 a. She is a massage instructor and investigator for the Board and former Board
7 member.
8 b. The Board received information that massage therapists at the above massage
9 establishment were performing chiropractic adjustments.
10 c. She booked an appointment and was massaged by Respondent.
11 d. During the massage, Respondent adjusted her ankles.
12 e. Respondent did not inform her that he was going to adjust her ankles, nor did he
13 receive consent to do so.
14 f. Adjusting ankles is outside the scope of practice for massage therapy and can lead
15 to injury if not properly trained.

16 16. Any of the Findings of Fact that are or can be construed as Conclusions of Law is hereby
17 incorporated as such to the extent as if originally so designated.

18 **IV.**

19 **CONCLUSIONS OF LAW**

20 17. Having made the aforementioned findings, the Board decides that there is sufficient
21 quantity and/or quality of evidence sufficient to meet the preponderance of the evidence
22 standard of proof as set forth by NRS 622A.370 and by *Nassiri v. Chiropractic
23 Physicians' Board of Nevada*, 130 Nev. Adv. Op. 27, at 8-9 (April 3, 2014) to make the
24 following conclusions of law:

25 18. Pursuant to NRS 622A.350, Respondent was given sufficient legal notice of the scheduled
26 hearing and that Respondent failed to appear and did not request a continuance.

27 19. By performing adjustments to Ms. Lopez without informing her or getting consent,
28 Respondent violated the provisions of NRS 640C. 700(9).

Any Conclusions of Law that are or can be construed as Findings of Fact is hereby
incorporated as such to the extent as if originally so designated.

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V.
ORDER

Having found by preponderance of the evidence the Findings of Fact and Conclusion of Law set forth herein and having unanimously voted, **THE BOARD HEREBY ORDERS:**

1. Pursuant to NRS 640C.710, Respondent's license is **SUSPENDED** for ninety (90) days.
2. Pursuant to NRS 640C.710, Respondent shall pay a fine of Five Hundred Dollars (\$500.00).
3. Pursuant to NRS 640C.710, Respondent shall take an anatomy class offered by Federation of State Massage Therapy Boards ("FSMTB") or an approved provider to be taken during the ninety (90) suspension prior to his license being reactivated.

The effective date of the Order is August 24, 2022.

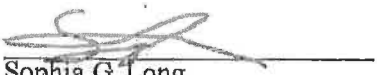
Dated this 24th day of August, 2022.

NEVADA STATE BOARD OF MASSAGE THERAPY



ELISABETH BARNARD, Chair

Submitted by:
AARON D. FORD
Nevada Attorney General's Office



Sophia G. Long
Senior Deputy Attorney General
555 E. Washington Ave, Suite 3900
Las Vegas, Nevada 89101

Exhibit “B”

Exhibit “B”

Tereza Van Horn

Subject: FW: Massage license suspension

-----Original Message-----

From: Frank Lisa
Sent: Monday, August 22, 2022 11:59 AM
To: Sandy J. Anderson <sjanderson@lmt.nv.gov>
Subject: Massage license suspension

WARNING - This email originated from outside the State of Nevada. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good afternoon Sandy this is Frank Lisa. I still have no physical copy about any information regarding my 90 day suspension or the trial that was held on the 10th without my knowledge. I would like to communicate over email just to have a physical copy of our communication for my own record. If you could provide me with the date my suspension will start along with the fees that will be due it will be much appreciated. I would also like to be informed on my options on how to appeal this decision made by the board to establish a 90 day suspension on my license. I also have former employers, coworkers, and clients of mine that are willing to submit notarized character witnesses to aid in this process to fight my suspension on my license. Just as a comment I would like to add that massage therapy has not only been my career but my passion for 7 years now and I have always been focused on increasing my knowledge of working anatomy, and helping my clients to the best of my ability while using my skills within the boundaries set for my scope of practice. I hope all of this can be resolved because not being able to practice massage has really taken a toll on my mental health and my finances. I am looking forward to being able to return back to work to help my clients, I appreciate your time and look forward to your response.

Sent from my iPhone



Nevada State Board of Massage Therapy

1755 E. Plumb Lane Suite 252

Reno, NV 89502

Reno Phone (775) 687-9955

Fax (775) 786-4264

Email: nvmassagebd@lmt.nv.gov

Website: <http://massagetherapy.nv.gov>

September 23, 2022

Frank A. Lisa

Re: Notice of meeting of the Nevada State Board of Massage Therapy to consider her character, alleged misconduct, competence, or physical or mental health.

Dear Mr. Lisa:

Pursuant to your request, the Board has agreed to reconsider your complaint NVMT-C-22036 heard on August 10, 2022, the Nevada State Board of Massage Therapy (Board) may consider your character, alleged misconduct, competence or physical or mental health at its meeting(s) on October 26, 2022. There will be no physical location for this meeting. Participants can join the meeting via Zoom. The meeting will begin at 9:00 a.m.

Zoom sign-in available at 8:30 a.m.

Register in advance:

<https://us06web.zoom.us/j/89023133843?pwd=Mlp1SFYwT3FMdTIkSk93c0JlMHRHcz09>

Meeting ID: 890 2313 3843

Password: 649868

Dial by your location

+1 253 215 8782 US (Tacoma)a

+1 346 248 7799 US (Houston)a

+1 669 900 6833 US (San Jose)a

+1 301 715 8592 US (Washington DC)a

+1 312 626 6799 US (Chicago)a

+1 929 205 6099 US (New York)a

Meeting ID: 821 7385 3899a

Passcode: 788395

The meeting is a public meeting. You are not required to attend; however, attendance is recommended. Pursuant to NAC 640C.070 your completed investigation results may be discussed. You may choose to have an attorney or other representative of your choosing present during the meeting, present written evidence, provide testimony, present witnesses relating to your character, alleged misconduct, professional competence, or physical or mental health. Please be aware you are one of many agenda items, and the Board may take items out of order. The meeting may last until 4:30 p.m.

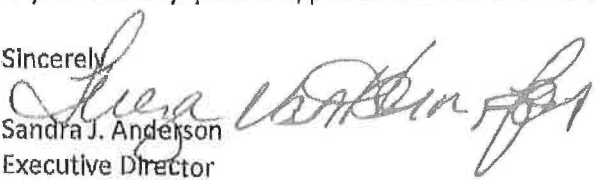
If the Board determines it necessary, after considering your character, alleged misconduct, professional competence, or physical or mental health whether in a closed meeting or open meeting, it may take administrative action against you at this meeting. This informational statement is in lieu of any notice that may be required pursuant to NRS 241.034. This notice is provided to you under NRS 241.033.

TM0021

In the event you need an interpreter, please provide one at your own expense.

If you have any questions, please feel free to contact the office at (775) 687-9955.

Sincerely,


Sandra J. Andelson
Executive Director

9489 0090 0027 6461 1326 76



Nevada State Board of Massage Therapy

1755 E. Plumb Lane Suite 252

Reno, NV 89502

Reno Phone (775) 687-9955

Fax (775) 786-4264

Email: nvmassagebd@lmt.nv.gov

Website: <http://massagetherapy.nv.gov>

September 6, 2022

Frank A. Lisa

RE: Board Meeting – August 10, 2022, Hearing

Dear Mr. Lisa:

As a result of the hearing held on August 10, 2022, your massage therapy license bearing the number NVMT.10366 has been suspended.

The Board found you guilty of NRS.640C.700(9). You were found guilty of one count. The Board imposed a fine of \$500.00. A copy of the Order is included in this letter.

Please return all three portions of your license including the blue laminated one, bearing the number NVMT.10366 as soon as possible.

If you have any questions, please contact our office via email at nvmassagebd@lmt.nv.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Tereza Van Horn".

Tereza Van Horn
Executive Assistant
NSBMT

COPY

TM0023

BEFORE THE NEVADA STATE BOARD OF
MASSAGE THERAPY

In the Matter of:

Case No. NVMT-C-22036

Frank Lisa,

ORDER

Licensed Massage Therapist
Nevada License No. NVMT.10366,

Respondent.

WHEREAS on Wednesday, August 10, 2022, the administrative hearing held relative to the Complaint in the above-captioned matter dated and signed July 12, 2022 having come before the Nevada State Board of Massage Therapy (Board), and the Board being fully apprised in the premises, and good cause appearing,

I.

INTRODUCTION

1.e Board members present were Elisabeth Barnard, Chair; Deirdre Strunk, Vice-Chair; Rebecca Dorangricchia, Secretary/Treasurer; Bianca Smith; Lorna Benedict; John Teng; and Stephanie Tsanas. The Las Vegas Metropolitan Police Department ("LVMPD") Advisory Member, Sergeant Aaron Fink, was also present.

2.e Sophia G. Long, Senior Deputy Attorney General, was present and appeared as prosecutore for the Board. Colleen Platt, Esq. from Platt Law Group, was present and appeared ase counsel for the Board.

3.e Frank Lisa ("Respondent"), was not present.

Exhibits

4. Exhibits:

a.e Complaintand Notice of Hearing (Exhibit 1).

Witnesses

5.e Tereza Van Horne

6.e Teresa Lopeze

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II.
JURISDICTION

7.e Respondent is currently and at all times mentioned herein, licensed as a massage therapist in the State of Nevada and is therefore, subject to the jurisdiction of the Board and the provisions of NRS Chapter 640C.e

III.
FINDINGS OF FACT

8. The Board, having considered all the evidence presented, the testimony of witnesses, and the arguments of counsel, for good cause appearing, finds sufficient quantity and/or quality of evidence sufficient to meet the preponderance of the evidence standard of proof as set forth by NRS 622A.370 and by *Nassiri v. Chiropractic Physicians' Board of Nevada*, 130 Nev. Adv. Op, 27, at 8-9 (April 3, 2014).

9.e Via Complaint and Notice of Hearing dated July 12, 2022, Respondent was notified of the administrative hearing scheduled for Wednesday, August 10, 2022. (Exhibit 1)e

10. The Complaint and Notice of Hearing included a certificate of service signed by Board staff, Tereza Van Horn, that she certified mailed and regular mailed a copy of the Complaint and Notice to Respondent's address.e

11.e Ms. Van Horn testified that she served Respondent at his address on file with the Board and that a continuance has not been requested in this matter.e

12.e Following this testimony, the Board found pursuant to NRS 622A.350(1), that notice of the scheduled hearing was properly served on Respondent, and that Respondent did not request a continuance and that Respondent failed to appear at this scheduled hearing.e

13.e Pursuant to NRS 622A.350(1), the Board proceeded to consider this matter without the participation of Respondent.e

14.e Senior Deputy Attorney General, Sophia G. Long provided the following:e

a. Pursuant to NRS 622A.350(2), the Board may accept the allegations against the licensee in the charging document as true.e

b.e The allegations in the charging document were read into the record. Specificallye that "On or about June 28, 2022, while working at Lapis and Oak Spa and Salt Massage located at 615 S Green Valley Pkwy., suite 120, Henderson, Nevada

1 89052, Respondent massaged Tereza Lopez and performed adjustments to her
2 ankles. Respondent is not licensed to perform adjustments. Respondent did not
3 inform Ms. Lopez that he was going to perform adjustments, nor did he receive
4 consent to do so.”

5 15. Teresa Lopez testified to the following:

6 a. She is a massage instructor and investigator for the Board and former Board
7 member.

8 b. The Board received information that massage therapists at the above massage
9 establishment were performing chiropractic adjustments.

10 c. She booked an appointment and was massaged by Respondent.

11 d. During the massage, Respondent adjusted her ankles.

12 e. Respondent did not inform her that he was going to adjust her ankles, nor did he
13 receive consent to do so.

14 f. Adjusting ankles is outside the scope of practice for massage therapy and can lead
15 to injury if not properly trained.

16 16. Any of the Findings of Fact that are or can be construed as Conclusions of Law is hereby
17 incorporated as such to the extent as if originally so designated.

18 IV.

19 CONCLUSIONS OF LAW

20 17. Having made the aforementioned findings, the Board decides that there is sufficient
21 quantity and/or quality of evidence sufficient to meet the preponderance of the evidence
22 standard of proof as set forth by NRS 622A.370 and by *Nassiri v. Chiropractic
23 Physicians' Board of Nevada*, 130 Nev. Adv. Op, 27, at 8-9 (April 3, 2014) to make the
24 following conclusions of law:

25 18. Pursuant to NRS 622A.350, Respondent was given sufficient legal notice of the scheduled
26 hearing and that Respondent failed to appear and did not request a continuance.

27 19. By performing adjustments to Ms. Lopez without informing her or getting consent
28 Respondent violated the provisions of NRS 640C.700(9).

Any Conclusions of Law that are or can be construed as Findings of Fact is hereby
incorporated as such to the extent as if originally so designated.

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V.

ORDER

Having found by preponderance of the evidence the Findings of Fact and Conclusion of Law set forth herein and having unanimously voted, **THE BOARD HEREBY ORDERS:**

- 1. Pursuant to NRS 640C.710, Respondent's license is **SUSPENDED** for ninety (90) days.
- 2. Pursuant to NRS 640C.710, Respondent shall pay a fine of Five Hundred Dollars (\$500.00).
- 3. Pursuant to NRS 640C.710, Respondent shall take an anatomy class offered by Federation of State Massage Therapy Boards ("FSMTB") or an approved provider to be taken during the ninety (90) suspension prior to his license being reactivated.

The effective date of the Order is 8/24/2022

Dated this 24th day of August, 2022.

NEVADA STATE BOARD OF MASSAGE THERAPY



 ELISABETH BARNARD, Chair

Submitted by:
AARON D. FORD
Nevada Attorney General's Office



 Sophia G. Long
 Senior Deputy Attorney General
 555 E. Washington Ave, Suite 3900
 Las Vegas, Nevada 89101

COPY

Nevada Board of Massage Therapy

1755 E. Plumb Lane, Suite 252
Reno, NV 89502

Invoice

Date	Invoice #
9/6/2022	1243

Phone # 775-687-9955

Bill To
Frank A. Lisa NVMT.10366

Terms	Due Date
Net 15	9/21/2022

Description	Amount
Administrative Fine - Board imposed fine	500.00
Payable with a money order or cashier's check. Personal checks will not be accepted	
COPY	
Total	\$500.00

Exhibit “C”

Exhibit “C”

1 BEFORE THE NEVADA STATE BOARD OF
2 MASSAGE THERAPY

3 In the Matter of:

Case No. NVMT-C-22036

4 Frank A. Lisa,

**ORDER GRANTING MOTION FOR
RECONSIDERATION ONLY
TO REINSTATE THE LICENSE**

5 Licensed Massage Therapist
6 Nevada License No. NVMT.10366,

7 Respondent.
8

9 **WHEREAS** on Wednesday, October 26, 2022, the above-captioned matter having com
10 before the Nevada State Board of Massage Therapy (Board), and the Board being fully apprised
11 the premises, and good cause appearing, find as follows:

12 On Wednesday, August 10, 2022, the administrative hearing held relative to the Complaint
13 the above-captioned matter dated and signed July 12, 2022, came before the Nevada State Board of
14 Massage Therapy (Board).

15 Frank A. Lisa ("Respondent") was not present. Sophia G. Long, Senior Deputy Attorney
16 General, appeared as prosecutor for the Board and presented evidence by way of a copy of the
17 complaint and notice of hearing and testimony from Board staff member, Tereza Van Horn, that
18 Respondent was properly noticed of the administrative hearing under Nevada Revised Statute
19 ("NRS") 622A.350. Therefore, the Board proceeded to hear the matter, including the testimony of
20 witness, Teresa Lopez.

21 At the conclusion, the Board unanimously voted:

22 1.d Pursuant to NRS 640C.710, Respondent's license is SUSPENDED for ninety (90) days.d

23 2.d Pursuant to NRS 640C.710, Respondent shall pay a fine of Five Hundred Dollars
24 (\$500.00).d

25 3.d Pursuant to NRS 640C.710, Respondent shall take an anatomy class offered by Federation
26 of State Massage Therapy Boards ("FSMTB") or an approved provider to be taken during
27 the ninety (90) suspension prior to his license being reactivated.d

28 A copy of the result of the hearing ("Order") was sent to Respondent on September 6, 2022.

On or about August 22, 2022, Respondent requested reconsideration.

1 On October 26, 2022, Respondent was present via zoom and the Board heard Respondent's
2 petition pursuant to NRS 622A.390.

- 3 1. NRS 622A.390(5) provides that a motion requesting a rehearing or reconsideration may
4 be based only on one of the following grounds:
5 a. Newly discovered or available evidence.
6 b. Error in the hearing or in the findings and recommendations or the decision that
7 would be grounds for reversal of the findings and recommendations or the
8 decision.
9 c. The need in the public interest for further consideration of the issues or evidence,
10 or both.
11 2. Senior Deputy Attorney General, Sophia G. Long, requested that for public interest
12 reasons, the Board grant Respondent's request for reconsideration specifically to reinstate
13 Respondent's license prior to the ninety (90) days.
14 3. The Board, in weighing the aforementioned arguments, grant reconsideration to reinstate
15 Respondent's license ONLY.

16 **ORDER**

17 Having reviewed Respondent's motion and hearing the argument set forth herein and having
18 unanimously voted, **THE BOARD HEREBY ORDERS** Respondent's Motion for
19 Reconsideration **GRANTED** to reduce Respondent's license suspension from ninety (90) days
20 to sixty-four (64) days **ONLY**; Respondent's license is reinstated immediately.

21 Dated this 6th day of November 2022.

22 **NEVADA STATE BOARD OF MASSAGE THERAPY**

23 
24 _____
25 **ELISABETH BARNARD, Chair**

26 Submitted by:
27 **AARON D. FORD**
28 Nevada Attorney General's Office


29 
30 _____
31 **Sophia G. Long**
32 Senior Deputy Attorney General
33 555 E. Washington Ave, Suite 3900
34 Las Vegas, Nevada 89101

Exhibit “D”

Exhibit “D”

James E. Shapiro

From: Sophia G. Long <SLong@ag.nv.gov>
Sent: Wednesday, October 26, 2022 1:56 PM
To: James E. Shapiro
Subject: RE: In re: Thomas W. Maher | Case No. NVMT-C-21086
Categories: Maher T | General | 22333 |

Mr. Shapiro,

The Board did not accept the settlement agreement. The next meeting date is tentatively scheduled for January 11, 2023. Ms. Anderson will send you a formal letter regarding the decision of the Board shortly.

Sophia G. Long, Esq.
Senior Deputy Attorney General
Bureau of Government Affairs
555 E. Washington Avenue
Suite 3900
Las Vegas, Nevada 89101
Ph: (702) 486-3165
Cell: (702) 900-6223 preferred
slong@ag.nv.gov
***Mondays off usually**



From: James E. Shapiro <JShapiro@smithshapiro.com>
Sent: Tuesday, October 4, 2022 2:04 PM
To: Sophia G. Long <SLong@ag.nv.gov>
Subject: RE: In re: Thomas W. Maher | Case No. NVMT-C-21086

WARNING - This email originated from outside the State of Nevada. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Sophia,

Exhibit “E”

Exhibit “E”

James E. Shapiro

From: Sandy J. Anderson <sjanderson@lmt.nv.gov>
Sent: Friday, December 16, 2022 1:11 PM
To: Sophia G. Long
Cc: James E. Shapiro
Subject: RE: PRR20221215 In re: Frank A. Lisa

Categories: Maher T | General | 22333 |

Sophia,

Thank you for the clarification.

Sandy

From: Sophia G. Long <SLong@ag.nv.gov>
Sent: Friday, December 16, 2022 9:41 AM
To: James E. Shapiro <JShapiro@smithshapiro.com>; Sandy J. Anderson <sjanderson@lmt.nv.gov>
Subject: Re: PRR20221215 In re: Frank A. Lisa

I didn't reach a settlement with him. My notes indicate he reached out and said he was no longer working at Mr. Maher's establishment and that he provided bills of chemo (or tumor) treatments that he was unable to pay for with the Suspension. So I merely requested that he be able to work. The Board permitted him to do so. All the other terms of the Order remained the same. His rehearing was not granted.

Sophia G. Long, Esq.
Senior Deputy Attorney General
Bureau of Government Affairs
555 E. Washington Avenue
Suite 3900
Las Vegas, Nevada 89101
Ph: (702) 486-3165
Cell: (702) 900-6223 preferred
slong@ag.nv.gov

***Mondays off usually**

From: James E. Shapiro <JShapiro@smithshapiro.com>
Sent: Friday, December 16, 2022 9:12 AM
To: Sandy J. Anderson <sjanderson@lmt.nv.gov>
Cc: Sophia G. Long <SLong@ag.nv.gov>
Subject: RE: PRR20221215 In re: Frank A. Lisa

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Sandy – Thank you.

Sophia – What was the basis for the reduction of the suspension? What were the terms of the settlement you reached?

Sincerely,

James E. Shapiro, Esq.
jshapiro@SmithShapiro.com



SMITH & SHAPIRO

ATTORNEYS AT LAW

Main 3333 E. Serene Ave., Suite 130, Henderson, NV 89074

Office 702.318.5033 Fax 702.318.5034

Website smithshapiro.com

From: Sandy J. Anderson <sjanderson@lmt.nv.gov>
Sent: Friday, December 16, 2022 9:09 AM
To: James E. Shapiro <JShapiro@smithshapiro.com>
Cc: Sophia G. Long <SLong@ag.nv.gov>
Subject: RE: PRR20221215 In re: Frank A. Lisa

Mr. Shapiro,

The draft minutes reflect the reduction in the term of the suspension. Settlement Agreements between the attorneys and the licensees are reached on a regular basis. Mr. Lisa asked for the decision to be vacated. The attorney settled with ending the suspension effective the date of the meeting.

Sandy

From: James E. Shapiro <JShapiro@smithshapiro.com>
Sent: Friday, December 16, 2022 8:57 AM
To: Sandy J. Anderson <sjanderson@lmt.nv.gov>; Sophia G. Long <SLong@ag.nv.gov>
Subject: RE: PRR20221215 In re: Frank A. Lisa

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Thank you for the confirmation.

Why was Frank's suspension reduced?

Sincerely,

James E. Shapiro, Esq.

jshapiro@SmithShapiro.com



SMITH & SHAPIRO

ATTORNEYS AT LAW

Main 3333 E. Serene Ave., Suite 130, Henderson, NV 89074

Office 702.318.5033 Fax 702.318.5034

Website smithshapiro.com

From: Sandy J. Anderson <sjanderson@lmt.nv.gov>
Sent: Thursday, December 15, 2022 6:36 PM
To: James E. Shapiro <JShapiro@smithshapiro.com>; Sophia G. Long <SLong@ag.nv.gov>
Subject: RE: PRR20221215 In re: Frank A. Lisa

Mr. Shapiro,

There was a request for rehearing which was handled by Ms. Long.

Draft meeting minutes from the rehearing.

Request that the final decision of the Board Case Number NVMT-C-22036 regarding Frank Lisa NVMT.10366 be vacated and a request for a rehearing of Case Number NVMT-C-22036. (For Discussion and Possible Action)

Mr. Lisa was present.

Senior Deputy Attorney General Sophia Long advised the Board regarding the history of this case. Ms. Long requested that Mr. Lisa's license be reinstated as of today.

Motioned by Rebecca Dorangricchia to grant the reconsideration and reduce the suspension to 77 days for Case Number NVMT-C-22036 regarding Frank A. Lisa, seconded by Bianca Smith. Motion carried.

Sandy

From: James E. Shapiro <JShapiro@smithshapiro.com>
Sent: Thursday, December 15, 2022 5:14 PM
To: Sophia G. Long <SLong@ag.nv.gov>; Sandy J. Anderson <sjanderson@lmt.nv.gov>
Subject: RE: PRR20221215 In re: Frank A. Lisa

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No problems. I know you deal with a lot of different matters.

Was there only one hearing (the default hearing)? I thought I heard there was a rehearing as well, but that may not be correct either.

Sincerely,

James E. Shapiro, Esq.
jshapiro@SmithShapiro.com



SMITH & SHAPIRO

ATTORNEYS AT LAW

Main 3333 E. Serene Ave., Suite 130, Henderson, NV 89074

Office 702.318.5033 Fax 702.318.5034

Website smithshapiro.com

From: Sophia G. Long <SLong@ag.nv.gov>

Sent: Thursday, December 15, 2022 5:12 PM

To: James E. Shapiro <JShapiro@smithshapiro.com>; Sandy J. Anderson <sjanderson@lmt.nv.gov>

Subject: RE: PRR20221215 In re: Frank A. Lisa

Sorry Jim,

Now that I recall, the Board did have a hearing on Mr. Lisa's matter as he was an FTA. The Order is from a default hearing. There was not a settlement. Sorry, I did not review his file before our call and I misspoke earlier.

Sophia G. Long, Esq.
Senior Deputy Attorney General

Bureau of Government Affairs

555 E. Washington Avenue
Suite 3900

Las Vegas, Nevada 89101

Ph: (702) 486-3165

Cell: (702) 900-6223 preferred

slong@ag.nv.gov

***Mondays off usually**



From: James E. Shapiro <JShapiro@smithshapiro.com>

Sent: Thursday, December 15, 2022 5:10 PM

To: Sandy J. Anderson <sjanderson@lmt.nv.gov>

Cc: Sophia G. Long <SLong@ag.nv.gov>

Subject: RE: PRR20221215 In re: Frank A. Lisa

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Thank you.

Just to make sure I understood you correctly, there was one and only one hearing, which occurred on August 10, 2022. Correct?

Thank you again for your help on this.

Sincerely,

James E. Shapiro, Esq.
jshapiro@SmithShapiro.com



SMITH & SHAPIRO

ATTORNEYS AT LAW

Main 3333 E. Serene Ave., Suite 130, Henderson, NV 89074

Office 702.318.5033 Fax 702.318.5034

Website smithshapiro.com

From: Sandy J. Anderson <sjanderson@lmt.nv.gov>
Sent: Thursday, December 15, 2022 5:07 PM
To: James E. Shapiro <JShapiro@smithshapiro.com>
Cc: Sophia G. Long <SLong@ag.nv.gov>
Subject: RE: PRR20221215 In re: Frank A. Lisa

Yes, there was a hearing on this matter, and yes, the matter is closed.

From: James E. Shapiro <JShapiro@smithshapiro.com>
Sent: Thursday, December 15, 2022 4:58 PM
To: Sandy J. Anderson <sjanderson@lmt.nv.gov>
Cc: Sophia G. Long <SLong@ag.nv.gov>
Subject: RE: PRR20221215 In re: Frank A. Lisa

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Thank you for the quick response!

Was there a rehearing on this matter?

Is anything still pending, or is this matter closed?

Sincerely,

James E. Shapiro, Esq.

jshapiro@SmithShapiro.com



SMITH & SHAPIRO

ATTORNEYS AT LAW

Main 3333 E. Serene Ave., Suite 130, Henderson, NV 89074

Office 702.318.5033 Fax 702.318.5034

Website smithshapiro.com

From: Sandy J. Anderson <sjanderson@lmt.nv.gov>

Sent: Thursday, December 15, 2022 4:52 PM

To: James E. Shapiro <JShapiro@smithshapiro.com>

Cc: Sophia G. Long <SLong@ag.nv.gov>

Subject: RE: PRR20221215 In re: Frank A. Lisa

Mr. Shapiro,

In response to your public records request dated today for the Settlement Agreement entered into with Frank Lisa, there is no Settlement Agreement. Mr. Lisa's case was heard by the Board on August 10, 2022. Attached is the Order for this case which includes the disciplinary action ordered by the Board.

Sandy

Sandra J. Anderson

Executive Director

Nevada State Board of Massage Therapy

1755 E. Plumb Lane, #252

Reno, Nv 89502

Office Reno: 775.687.9951

Cell: 775.276.3660

sjanderson@lmt.nv.gov



From: James E. Shapiro <JShapiro@smithshapiro.com>

Sent: Thursday, December 15, 2022 4:03 PM

To: Sandy J. Anderson <sjanderson@lmt.nv.gov>

Cc: Sophia G. Long <SLong@ag.nv.gov>

Subject: FW: In re: Frank A. Lisa

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Ms. Anderson,

I'm looking for a copy of the final Settlement Agreement entered into with Frank A. Lisa, and Sophia Long said I should ask you for a copy (see email chain below).

Can you please email me a copy of Frank Lisa's Settlement Agreement with the Board?

Much appreciated.

Sincerely,

James E. Shapiro, Esq.
jshapiro@SmithShapiro.com



SMITH & SHAPIRO

ATTORNEYS AT LAW

Main 3333 E. Serenè Ave., Suite 130, Henderson, NV 89074

Office 702.318.5033 Fax 702.318.5034

Website smithshapiro.com

From: Sophia G. Long <SLong@ag.nv.gov>
Sent: Thursday, December 15, 2022 3:43 PM
To: James E. Shapiro <JShapiro@smithshapiro.com>
Subject: RE: In re: Thomas W. Maher | Case No. NVMT-C-21086

My apologies, I assumed you had it.

Sandy Anderson: sjanderson@lmt.nv.gov

Sophia G. Long, Esq.
Senior Deputy Attorney General
Bureau of Government Affairs
555 E. Washington Avenue
Suite 3900
Las Vegas, Nevada 89101
Ph: (702) 486-3165
Cell: (702) 900-6223 preferred
slong@ag.nv.gov

***Mondays off usually**



From: James E. Shapiro <JShapiro@smithshapiro.com>
Sent: Thursday, December 15, 2022 3:37 PM
To: Sophia G. Long <SLong@ag.nv.gov>
Subject: RE: In re: Thomas W. Maher | Case No. NVMT-C-21086

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Thank you.

Can I request that from Sandy via email (if so, can I get her email) or should I call her?

Sincerely,

James E. Shapiro, Esq.
jshapiro@SmithShapiro.com



SMITH & SHAPIRO

ATTORNEYS AT LAW

Main 3333 E. Serene Ave., Suite 130, Henderson, NV 89074
Office 702.318.5033 Fax 702.318.5034
Website smithshapiro.com

From: Sophia G. Long <SLong@ag.nv.gov>
Sent: Thursday, December 15, 2022 3:25 PM
To: James E. Shapiro <JShapiro@smithshapiro.com>
Subject: RE: In re: Thomas W. Maher | Case No. NVMT-C-21086

Thank you Jim,

I will have Sandy send the updated notice to you right away. You can also request a copy of Mr. Lisa's final settlement agreement from her.

Sophia G. Long, Esq.
Senior Deputy Attorney General
Bureau of Government Affairs

555 E. Washington Avenue
Suite 3900
Las Vegas, Nevada 89101
Ph: (702) 486-3165
Cell: (702) 900-6223 preferred
slong@ag.nv.gov

***Mondays off usually**



From: James E. Shapiro <JShapiro@smithshapiro.com>
Sent: Thursday, December 15, 2022 3:22 PM
To: Sophia G. Long <SLong@ag.nv.gov>
Subject: RE: In re: Thomas W. Maher | Case No. NVMT-C-21086

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Sophia,

Thank you for returning my call. I know you are busy and appreciate your time.

As we discussed, please let me know as soon as possible the date of the hearing in February.

I will speak to my clients and see how they would like to proceed.

Sincerely,

James E. Shapiro, Esq.
jshapiro@SmithShapiro.com



SMITH & SHAPIRO

ATTORNEYS AT LAW

Main 3333 E. Serene Ave., Suite 130, Henderson, NV 89074

Office 702.318.5033 Fax 702.318.5034

Website smithshapiro.com

From: Sophia G. Long <SLong@ag.nv.gov>
Sent: Tuesday, December 13, 2022 10:33 AM

To: James E. Shapiro <JShapiro@smithshapiro.com>
Subject: Re: In re: Thomas W. Maher | Case No. NVMT-C-21086

I'm in board meetings all day today and tomorrow. I should have time to call you after 4pm either today or tomorrow. Thanks for your patience.

Sophia G. Long, Esq.

Senior Deputy Attorney General

Bureau of Government Affairs

555 E. Washington Avenue

Suite 3900

Las Vegas, Nevada 89101

Ph: (702) 486-3165

Cell: (702) 900-6223 preferred

slong@ag.nv.gov

***Mondays off usually**



From: James E. Shapiro <JShapiro@smithshapiro.com>
Sent: Friday, December 9, 2022 9:44 AM
To: Sophia G. Long <SLong@ag.nv.gov>
Subject: RE: In re: Thomas W. Maher | Case No. NVMT-C-21086

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Sophia,

I just left a message for you. I had a couple of questions about this matter.

Please call me at your convenience.

Thanks,

James E. Shapiro, Esq.
jshapiro@SmithShapiro.com



SMITH & SHAPIRO

ATTORNEYS AT LAW

Main: 3333 E. Sereine Ave., Suite 130, Henderson, NV 89074

Office: 702.318.5033 Fax: 702.318.5034

Website: smithshapiro.com

Exhibit “F”

Exhibit “F”

James E. Shapiro

From: Sandy J. Anderson <sjanderson@lmt.nv.gov>
Sent: Tuesday, January 3, 2023 3:12 PM
To: James E. Shapiro
Cc: Sophia G. Long; Colleen L Platt (cplatt@plattlawgroupreno.com)
Subject: RE: In re: Thomas W. Maher | Case No. NVMT-C-21086

Categories: Maher T | General | 22333 |

Mr. Shapiro,

I am in receipt of your requests and have reached out to counsel for advise in the matter.

Sandy

Sandra J. Anderson
Executive Director
Nevada State Board of Massage Therapy
1755 E. Plumb Lane, #252
Reno, Nv 89502
Office: 775.687.9951
Cell: 775.276.3660
sjanderson@lmt.nv.gov



From: James E. Shapiro <JShapiro@smithshapiro.com>
Sent: Tuesday, January 3, 2023 2:43 PM
To: Sandy J. Anderson <sjanderson@lmt.nv.gov>
Cc: Sophia G. Long <SLong@ag.nv.gov>
Subject: FW: In re: Thomas W. Maher | Case No. NVMT-C-21086

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Ms. Anderson,

Ms. Long asked that I direct a couple of items to you. Specifically:

(1) **Request to Take Deposition** – Pursuant to NRS 622A.330(3), we are requesting permission to notice and conduct the deposition of Genevieve Young.

(2) **Request for Continuance** – Given the holidays and the fact that we still need to obtain and review the evidence from Ms. Long, and/or conduct the deposition of Genevieve Young, we would ask that the hearing be continued to sometime after February 15, 2023, to allow us sufficient time to prepare. I know that this matter has been continued previously, but after receiving the prior continuances, we reached and submitted a settlement to the Board for consideration. The fact that the prior settlement was not accepted by the Board has put us back to square one... hence the request for an additional continuance.

Please let me know if you have any questions or if you would like to discuss anything further.

Sincerely,

James E. Shapiro, Esq.
jshapiro@SmithShapiro.com



SMITH & SHAPIRO

ATTORNEYS AT LAW

Main 3333 E. Serene Ave., Suite 130, Henderson, NV 89074

Office 702.318.5033 Fax 702.318.5034

Website smithshapiro.com

From: Sophia G. Long <SLong@ag.nv.gov>
Sent: Tuesday, January 3, 2023 2:38 PM
To: James E. Shapiro <JShapiro@smithshapiro.com>
Subject: RE: In re: Thomas W. Maher | Case No. NVMT-C-21086

Hi Jim,

Thanks! Hope you were able to get some downtime too!

I can provide items 1 and 2 for you. Just an FYI, as of now, I'm not sure if I'll be the one prosecuting this case, it may be another attorney just due to case load.

I've only been given authority to allow one continuance, therefore, if you could please send items 3 and 4 to Ms. Anderson at the Board.

Let me know if you have any other questions. Thank you!

Sophia G. Long, Esq.
Senior Deputy Attorney General
Bureau of Government Affairs
555 E. Washington Avenue
Suite 3900
Las Vegas, Nevada 89101

Ph: (702) 486-3165
Cell: (702) 900-6223 preferred
slong@ag.nv.gov
***Mondays off usually**



From: James E. Shapiro <JShapiro@smithshapiro.com>
Sent: Tuesday, January 3, 2023 2:25 PM
To: Sophia G. Long <SLong@ag.nv.gov>
Subject: In re: Thomas W. Maher | Case No. NVMT-C-21086

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Sophia,

Happy New Year! I hope you were able to get a little downtime over the past couple of weeks.

I have a couple of inquiries / questions relating to the pending matter against Thomas W. Maher.

- (1) **Request for Evidence** – Pursuant to NRS 622A.330(1), we are requesting a copy of all documents and other evidence intended to be presented by the prosecutor in this matter.e
- (2) **Request for List of Proposed Witnesses** – Pursuant to NRS 622A.330(1), we are requesting a list of the witnesses that the Board/Prosecutor may call as a witness to testify at the hearing.e
- (3) **Request to Take Deposition** – Pursuant to NRS 622A.330(3), we are requesting permission to notice and conduct the deposition of Genevieve Young.e
- (4) **Request for Continuance** – Given the holidays and the fact that we still need to obtain, review, and/or conduct the forgoing, we would ask that the hearing be continued to sometime after February 15, 2023, to allow use sufficient time to prepare.e

Please let me know if I need to (or if you would prefer that I) put these requests into a formal letter. Otherwise, I look forward to receiving the requested information, permission and your response to the forgoing.

As always, you can reach me at my office (702-318-5033) if you would like to discuss any of the forgoing further.

Sincerely,

James E. Shapiro, Esq.

jshapiro@SmithShapiro.com



SMITH & SHAPIRO

ATTORNEYS AT LAW

Main 3333 E. Serene Ave., Suite 130, Henderson, NV 89074

Office 702.318.5033 Fax 702.318.5034

Website smithshapiro.com

***** NOTICE *****

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Exhibit “G”

Exhibit “G”

James E. Shapiro

From: Colleen Platt <cplatt@plattlawgroupreno.com>
Sent: Tuesday, January 17, 2023 4:18 PM
To: James E. Shapiro
Subject: Re: In re: Thomas W. Maher | Case No. NVMT-C-21086

Categories: Maher T | General | 22333 |

Good afternoon James,

I left a message with your assistant earlier today. I'm sorry I missed your call. If you have time to give me a call to discuss, I'm free the remainder of the day/evening. Thanks.

Colleen Platt
Platt Law Group
11025 Bondshire Drive
Reno, NV 89511
775-848-2810

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From: James E. Shapiro <JShapiro@smithshapiro.com>
Sent: Monday, January 16, 2023 9:41 AM
To: Colleen Platt <cplatt@plattlawgroupreno.com>
Subject: RE: In re: Thomas W. Maher | Case No. NVMT-C-21086

Colleen,

I hope all is well. I just tried to call to discuss this over the telephone, but was sent to your voicemail, so I'll follow up via email.

We are now two days away from the hearing, and I still have not received the evidence and list of witnesses requested on January 3rd, nor have you provided a response to my request that the hearing, currently scheduled to occur in two days, be continued. Given the fact that I have not received the evidence and list of proposed witnesses as provided for in NRS 622A.330, I see no way that the hearing can proceed as scheduled, and would appreciate it if you would at least confirm that the hearing will be continued while you work on providing the evidence and list of witnesses requested almost two weeks ago.

I can be reached at the office (702-318-5033) or on my cell (702-353-7831). I look forward to hearing from you.

Sincerely,

James H. Shapiro, Esq.
jshapiro@SmithShapiro.com



SMITH & SHAPIRO

ATTORNEYS AT LAW

Main 3333 E. Serene Ave., Suite 130, Henderson, NV 89074

Office 702.318.5033 Fax 702.318.5034

Website smithshapiro.com

From: James E. Shapiro
Sent: Wednesday, January 11, 2023 12:51 PM
To: Colleen Platt <cplatt@plattlawgroupreno.com>
Subject: RE: In re: Thomas W. Maher | Case No. NVMT-C-21086

Colleen,

I hope all is well.

I know you are busy, but I'm following up on my January 3, 2023 email, wherein I requested, among other things, the following:

- 1.i **Request for Evidence** – Pursuant to NRS 622A.330(1), we are requesting a copy of all documents and other evidence intended to be presented by the prosecutor in this matter.i
2. **Request for List of Proposed Witnesses** – Pursuant to NRS 622A.330(1), we are requesting a list of the witnesses that the Board/Prosecutor may call as a witness to testify at the hearing.i
- 3.i **Request for Continuance** – Given the holidays and the fact that we still need to obtain, review, and/or conduct the forgoing, we would ask that the hearing be continued to sometime after February 15, 2023, to allow us sufficient time to prepare.i

You responded to my original email to Sophia Long the next day (January 4, 2023 – see below), but I have yet to receive the requested evidence and information.

At this point, with the hearing currently scheduled for less than one week away, we will certainly need to continue the hearing to give us time to prepare. In the meantime, when can we expect to receive the evidence and list of proposed witnesses pursuant to NRS 622A.330?

I look forward to receiving your response and the new hearing date.

Sincerely,

James E. Shapiro, Esq.
jshapiro@SmithShapiro.com



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Website smithshapiro.com

From: Colleen Platt <cplatt@plattlawgroupreno.com>

Sent: Wednesday, January 4, 2023 8:21 AM

To: James E. Shapiro <JShapiro@smithshapiro.com>

Subject: Thomas Maher/Board of Massage Therapy

Good evening Mr. Shapiro,

I represent the Nevada State Board of Massage Therapy and I will be taking over the prosecution of the case against Mr. Maher. I know previously you had been working with Ms. Long, but I will be stepping in at this juncture to handle the case.

I am in receipt of your email requesting the documents that I will be using in my case in chief as well as a list of witnesses. I need to review the file and determine what documents and witnesses I will be presenting, at that time, I will provide them to you. You also requested to take a deposition of an individual. Pursuant to NRS 622A.330(3), a party may only request depositions if the agency's regulations permit such requests. The Board does not have a regulation authorizing the taking of depositions, as such, that request is denied.

I am currently out of the country, so my responses may be delayed. I am inclined to move the hearing date, but I need to discuss that request with the Executive Director. I will let you know whether that request is granted or denied shortly. Please let me know if you have any questions. Thank you.

Colleen Platt
Platt Law Group
11025 Bondshire Drive
Reno, NV 89511
775-848-2810n

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Exhibit “H”

Exhibit “H”

James E. Shapiro

From: Colleen Platt <cplatt@plattlawgroupreno.com>
Sent: Wednesday, January 18, 2023 7:22 AM
To: James E. Shapiro
Subject: Re: In re: Thomas W. Maher | Case No. NVMT-C-21086

Categories: Maher T | General | 22333 |

Good morning Jim,

I had a chance to discuss the settlement offer with the Executive Director this morning. She does not feel that the Board will accept the settlement as presented because of [REDACTED]. In the Board's discussion of the Frank Lisa matter in August, it was the ED's understanding that this Board took adjustments seriously and that the Board felt that performing adjustments were so far out of scope as to warrant harsher discipline. With that being said, she believes the Board would accept the settlement agreement with [REDACTED]. Please let me know your thoughts on that. Thanks.

Colleen Platt
Platt Law Group
11025 Bondshire Drive
Reno, NV 89511
775-848-2810

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From: James E. Shapiro <JShapiro@smithshapiro.com>
Sent: Tuesday, January 17, 2023 5:58 PM
To: Colleen Platt <cplatt@plattlawgroupreno.com>
Subject: RE: In re: Thomas W. Maher | Case No. NVMT-C-21086

Colleen,

Thanks for taking my call. Feel free to call me on my cell at (702)353-7831 if you would like to discuss anything further tonight.

Sincerely,

James E. Shapiro, Esq.

ishapiro@SmithShapiro.com



SMITH & SHAPIRO

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Website smithshapiro.com

From: James E. Shapiro

Sent: Tuesday, January 17, 2023 4:55 PM

To: Colleen Platt <cplatt@plattlawgroupreno.com>

Cc: Sophia G. Long <SLong@ag.nv.gov>; Sandy J. Anderson <sjanderson@lmt.nv.gov>

Subject: RE: In re: Thomas W. Maher | Case No. NVMT-C-21086

Ms. Platt,

Thank you for the call. This email is to confirm our conversation as follows:

- t The **hearing will be continued to March 22, 2023.**
- t You will be out of town at that time, so Sophia Long will be taking over and handling the case.t
- t We discussed settlement, and you mentioned some parameters that we may be able to propose tomorrow (assuming I can discuss it with my client in time).t
- t You indicated that you acted as counsel for the board during the October hearing (when both our prior settlement was considered, as well as Frank Lisa's Motion for Reconsideration) and that you believed that Frank Lisa reached an agreement with the Board to testify against Mr. Maher in exchange for leniency on his sanctions. However, when I pressed you on the issue and mentioned that this was contrary to what I had been told previously, you backed down a bit from that statement.t
- t You also indicated that you had in your possession a written order relating to Frank Lisa's Motion for Reconsideration, but it was unsigned. You are going to locate a signed copy of that order and provide me with a copy.t
- t Because Ms. Long will be handling the March hearing, Ms. Long will provide me with the NRS 622A.330 information and documents.t
 - ot But you did indicate that you believed that there would be potentially three witnesses: (1) Frank Lisa, (2) Ms. Young, and (3) Christy Bruner (spelling?), who is a board investigator.t

As I mentioned during our call, I was troubled by some of the disclosures that you made because they directly contradicted representations previously received from Ms. Long and Ms. Anderson. Hopefully, we'll be able to get to the bottom of those issues.

Please let me know if I missed or misunderstood anything.

Sincerely,

James E. Shapiro, Esq.
ishapiro@SmithShapiro.com



SMITH & SHAPIRO

ATTORNEYS AT LAW

Main 3333 E. Serene Ave., Suite 130, Henderson, NV 89074

Office 702.318.5033 Fax 702.318.5034

Website smithshapiro.com

From: James E. Shapiro

Sent: Tuesday, January 17, 2023 10:47 AM

To: Sandy J. Anderson <sjanderson@lmt.nv.gov> <sjanderson@lmt.nv.gov>

Cc: Sophia G. Long <SLong@ag.nv.gov> <SLong@ag.nv.gov>; Colleen Platt <cplatt@plattlawgroupreno.com> <cplatt@plattlawgroupreno.com>

Subject: In re: Thomas W. Maher | Case No. NVMT-C-21086

Ms. Anderson,

I'm emailing for an update on the hearing in In re: Thomas W. Maher, Case No. NVMT-C-21086, which as I understand it, is currently scheduled for tomorrow morning. I am emailing you directly because Ms. Platt (who Ms. Long informed me was taking over the matter) is not returning my emails or telephone calls.

On January 3, 2023, I requested, among other things, the following items: (1) a list of all documents and other evidence intended to be presented by the prosecutor pursuant to NRS 622A.330(1), (2) a list of the witnesses that the Board/Prosecutor may call as a witness to testify at the hearing pursuant to NRS 622A.330(1), and (3) a continuance of the hearing. At 8:21am on January 4, 2023, Ms. Platt emailed me, stating that she was taking over the matter from Ms. Long, and that she would be providing the requested evidence and information shortly. Notwithstanding my follow-up emails and telephone calls, that was the last communication I have received from Ms. Platt.

Given the fact that: (1) it has now been two weeks since I requested the evidence, information and list of witnesses, but have yet to receive that information, and (2) the hearing is currently scheduled for tomorrow morning, meaning I will not have time to properly review the requested evidence, information and list of witnesses, even if the same were provided today, I am reiterating my request that the hearing be continued to a date which is no less than thirty (30) days after the evidence, information and list of witnesses is provided as required by NRS 622A.330(1).

I look forward to your confirmation that tomorrow's hearing will be continued.

Sincerely,

James E. Shapiro, Esq.

jshapiro@SmithShapiro.com



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Exhibit “I”

Exhibit “I”

James E. Shapiro

From: Colleen Platt <cplatt@plattlawgroupreno.com>
Sent: Tuesday, January 17, 2023 4:51 PM
To: James E. Shapiro; Sandra Anderson; Sophia G. Long
Cc: Tereza Van Horn
Subject: Thomas Maher Case

Categories: Maher T | General | 22333 |

Good evening James,

Thank you again for speaking with me this afternoon. As we discussed, the hearing has been continued to the March 22, 2023, meeting of the Board. Ms. Long will be taking over prosecution of the matter, as I will be out of town in March. As I stated, the following individuals are currently witnesses, should this matter go to a hearing:

Frank Lisa
Genevieve Young
Christine Brunner

Ms. Long can provide any additional witnesses. I believe there will be some documentary evidence as well, but I will defer to Ms. Long on that.

Also, as we previously discussed, if you should choose to settle the matter, I am happy to take any settlement offers to the Executive Director for review before tomorrow's meeting, otherwise, please work with Ms. Long regarding any settlement discussions after tomorrow.

Thank you for your attention to this matter, please let me know if you have any questions. Thanks.

Colleen Platt
Platt Law Group
11025 Bondshire Drive
Reno, NV 89511
775-848-2810

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